



OUR FILE: R0288-00010

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

The residence, post office address, and citizenship are as stated below next to my name;
and

I verily believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND SYSTEM FOR MONITORING PERFORMANCE OF APPLICATIONS IN A DISTRIBUTED ENVIRONMENT**, the specification of which was filed on June 25, 2003, as Application Serial No. 10/606,028.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any Amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Country	Number	Date Filed	Priority Claimed (Y/N)
_____	_____	_____	
_____	_____	_____	

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

Application Number(s)	Filing Date (MM/DD/YYYY)
60/392,022	06/25/2002

PH1M129681.1

PATENT**OUR FILE: R0288-00010**

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Application
Serial No.**

Filed

**Patented or
Pending ?**

I hereby appoint:

Arthur L. Plevy	Registration No. 24,277
Lewis F. Gould, Jr.	Registration No. 25,057
William H. Murray	Registration No. 27,218
Stephan P. Gribok	Registration No. 29,643
Peter J. Cronk	Registration No. 32,021
Gerry K. Kita	Registration No. 24,125
Richard Redano	Registration No. 32,292
Robert E. Rosenthal	Registration No. 33,450
Gary D. Colby, Ph.D.	Registration No. 40,961
Richard A. Paikoff	Registration No. 34,892
Samuel W. Apicelli	Registration No. 36,427
Steven E. Koffs	Registration No. 37,163
Paul A. Schwarz	Registration No. 37,577
Carl A. Giordano	Registration No. 41,780
Edward J. Howard	Registration No. 42,670
Gary Maze	Registration No. 42,851
Melanie Goddard	Registration No. 46,732
Joseph Powers	Registration No. 47,006

of the law firm **DUANE MORRIS LLP**, One Liberty Place, Philadelphia, PA 19103-7396, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and

PHI\1129681.1

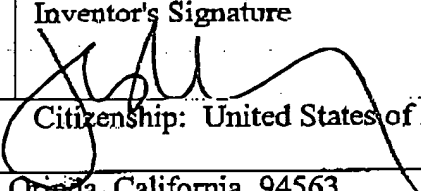
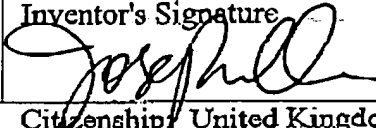
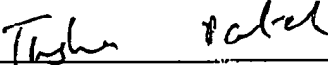
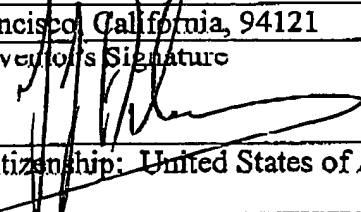
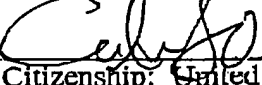
PATENT

OUR FILE: R0288-00010

Address all correspondence and telephone calls to:

Robert E. Rosenthal
DUANE MORRIS LLP
 One Liberty Place
 Philadelphia, PA 19103-7396
 (215) 979-1255

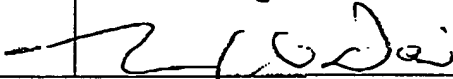
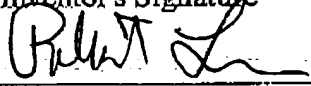

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Full Name James C. Chong	Inventor's Signature 	Date 10/10/03
	Residence Orinda, CA 94563	Citizenship: United States of America	
	Post Office Address: 153 Lombardy Lane, Orinda, California, 94563		
2	Full Name Joseph L. Chan	Inventor's Signature 	Date 10/10/03
	Residence Lafayette, CA 94594	Citizenship: United Kingdom	
	Post Office Address: 3984 El Nido Ranch Road, Lafayette, California, 94594		
3	Full Name Tushar M. Patel	Inventor's Signature 	Date 10/10/03
	Residence San Francisco, CA 94121	Citizenship: United States of America	
	Post Office Address: 658 40 th Avenue, San Francisco, California, 94121		
4	Full Name Jean Jacques Heler	Inventor's Signature 	Date 10/10/03
	Residence Palo Alto, CA 94306	Citizenship: United States of America	
	Post Office Address: 4192 Rincon Circle, California, 94306		
5	Full Name Chi Hong So	Inventor's Signature 	Date 10/10/03
	Residence Pleasant Hill, CA 94523	Citizenship: United States of America	

PH11129681.1

PATENT

OUR FILE: R0288-00010

	Post Office Address: 150 Cleaveland Road, Apt. 104, California, 94523		
6	Full Name	Inventor's Signature	Date
	Arthur Tsang		10/10/03
	Residence Walnut Creek, CA 94596		Citizenship: Hong Kong
	Post Office Address: 1473 Treat Blvd., Walnut Creek, California, 94596		
7	Full Name	Inventor's Signature	Date
	Robert S. Lam		10/10/03
	Residence Oakland, CA, 94618		Citizenship: United States of America
	Post Office Address: 320 Caldecott Lane, #306, Oakland, California, 94618		
8	Full Name	Inventor's Signature	Date
	Raymond Chow		
	Residence San Ramon, CA 94583		Citizenship: United States of America
	Post Office Address: 143 Minerva Way, San Ramon, California, 94583		
9	Full Name	Inventor's Signature	Date
	Jerome D. Banks		10/10/2003
	Residence San Francisco, CA 94109		Citizenship: United States of America
	Post Office Address: 888 O'Farrell Street, #211, San Francisco, California, 94109		
10	Full Name	Inventor's Signature	Date
	Christopher M. Zychowski		
	Residence San Francisco, CA 94114		Citizenship: United States of America
	Post Office Address: 4172 20 th Street, San Francisco, California, 94114		
11	Full Name	Inventor's Signature	Date
	Henry Tang		
	Residence Walnut Creek, CA 94595		Citizenship: United States of America
	Post Office Address: 1751 Magnolia Way, Walnut Creek, California 94595		

R0288-00010

PATENT

**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)
TO SIGN OR CANNOT BE REACHED (37 CFR § 1.47(a))**

I. I am an above-named joint inventor and have signed this Declaration on my own behalf and also sign this Declaration under 37 CFR § 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

FULL NAME OF FIRST Nonsigning Inventor WHO Henry Tang

☒ refuses to sign

☐ cannot be found or reached.

United States

COUNTRY OF CITIZENSHIP OF NONSIGNING INVENTOR

1751 Magnolia Way, Walnut Creek, California 94595
LAST KNOWN ADDRESS OF NONSIGNING INVENTOR

2. ACCOMPANYING THIS DECLARATION IS:

- (1) STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR
- (2) Petition Fee of \$130.00 (37 CFR § 1.17(l)).

Joseph L. Chan

NAME OF JOINT INVENTOR SIGNING ON
BEHALF OF NONSIGNING INVENTOR


SIGNATURE

PH11144922.1

R0288-00010

PATENT

**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)
TO SIGN OR CANNOT BE REACHED (37 CFR § 1.47(a))**

I. I am an above-named joint inventor and have signed this Declaration on my own behalf and also sign this Declaration under 37 CFR § 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

FULL NAME OF SECOND
NONSIGNING INVENTOR WHO

Raymond Chow

☒ refuses to sign

☐ cannot be found or reached.

United States

COUNTRY OF CITIZENSHIP OF NONSIGNING INVENTOR

143 Minerva Way, San Ramon, California 94583

LAST KNOWN ADDRESS OF NONSIGNING INVENTOR

2. ACCOMPANYING THIS DECLARATION IS:

- (1) STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR
- (2) Petition Fee of \$130.00 (37 CFR § 1.17(h)).

Joseph L. Chan

NAME OF JOINT INVENTOR SIGNING ON
BEHALF OF NONSIGNING INVENTOR


SIGNATURE

PH1\1144922.1

R0288-00010

PATENT

**ADDED PAGE TO COMBINED DECLARATION
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)
TO SIGN OR CANNOT BE REACHED (37 CFR § 1.47(a))**

I. I am an above-named joint inventor and have signed this Declaration on my own behalf and also sign this Declaration under 37 CFR § 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

FULL NAME OF THIRD
NONSIGNING INVENTOR WHO

Christopher M. Zychowski

☒ refuses to sign

☐ cannot be found or reached.

United States

COUNTRY OF CITIZENSHIP OF NONSIGNING INVENTOR

280 Liberty St., San Francisco, CA 94114-3023

LAST KNOWN ADDRESS OF NONSIGNING INVENTOR

2. ACCOMPANYING THIS DECLARATION IS:

- (1) STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR
- (2) Petition Fee of \$130.00 (37 CFR § 1.17(h))

Joseph L. Chan

NAME OF JOINT INVENTOR SIGNING ON
BEHALF OF NONSIGNING INVENTOR


SIGNATURE

PHI\1144922.1